

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS DIVISION

UNITED STATES OF AMERICA and)	
STATE OF ILLINOIS,)	
)	
Co-Plaintiffs,)	
)	
v.)	No. 3:18-cv-01484
)	
)	
WRB REFINING LP and)	
PHILLIPS 66 COMPANY,)	
)	
Defendants.)	
)	

**NON-MATERIAL MODIFICATION TO
CONSENT DECREE**

This Court entered a Consent Decree on April 4, 2019 that resolved claims under the Clean Air Act by the United States and the State of Illinois against WRB Refining LP and Phillips 66 Company. Pursuant to that Consent Decree, the Parties are providing notice of a non-material modification (“Modification”) to the decree that changes the requirements when the Parties send notices to each other. No action is required of the Court.

The basis for making the modification under the Consent Decree and the text of the new language are set forth below.

Consent Decree Provisions Governing Modification

Paragraph 168 of the Consent Decree specifies that the Court retains continuing jurisdiction over this case for the purpose of, among other things, “entering orders modifying th[e] Decree.”

Paragraph 169 of the Consent Decree allows modification by written agreement among the Parties. Court approval is required only for material modifications. The Parties agree that the modification set forth herein is not a material change within the meaning of Paragraph 169 of the Consent Decree, and does not require Court approval.

Each Party represents that the undersigned signatory on its behalf is fully authorized to enter into the terms and conditions of this Modification. This Modification may be executed in several counterparts, each of which will be considered an original. Nothing in this Modification affects the provisions of the Consent Decree except as expressly stated below.

Modified Provisions

NOW THEREFORE, the Parties hereby agree that the Consent Decree shall be amended by replacing Paragraphs 164 and 165 with the following text:

New Text for Paragraph 164: Unless otherwise specified herein, whenever notifications, submissions, or communications are required by this Consent Decree, they shall be made in writing and addressed as provided in this Paragraph. If this Paragraph calls for electronic submission and the Party submitting the document believes that electronic submission is

infeasible, it shall reach out via email to the listed contact to obtain instructions for submission.

Submission in accordance with those instructions shall satisfy the requirements of this paragraph.

As to the United States:

Required only where the “United States” (and not “EPA”) is a recipient (electronic submission preferred):

eescdcopy.enrd@usdoj.gov
Reference Case No. 90-5-2-1-06722/6

Or

EES Case Management Unit
Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
P.O. Box 7611
Ben Franklin Station
Washington, DC 20044-7611
Reference Case No. 90-5-2-1-06722/6

As to EPA (Headquarters):

Not required.

As to EPA (Region 5):

Required where either the “United States” or “EPA” is a recipient.

Electronic submissions are required and shall be addressed to:

r5ardreporting@epa.gov
Mcauliffe.mary@epa.gov

As to Illinois:

Electronic submissions are required and shall be addressed to:

andrew.armstrong@ilag.gov
raymond.callery@ilag.gov

Katie.Johnson@ilag.gov

As to WRB/P66:

Electronic submissions may be sent to the individuals for which e-mail addresses have been provided.

Don Bristol, Manager, Environmental
Phillips 66 Company
2331 CityWest Blvd
Houston, TX 77042
Don.A.Bristol@p66.com

Hope Gray, Refining HSE Manager
Phillips 66 Company
2331 CityWest Blvd
Houston, TX 77042
Hope.Gray@p66.com

Deputy General Counsel, Legal Compliance, Environmental & Regulatory
Legal Department
Phillips 66 Company
2331 CityWest Blvd
Houston, TX 77042

Ray Rigdon
Refinery Manager
WRB Refining LP
Wood River Refinery
P.O. Box 76
Roxana, IL 62084
Ray.W.Rigdon@p66.com

New Text For Paragraph 165: Date of Submission and Date of Receipt. Unless otherwise provided herein, notifications to or communications between the Parties shall be deemed submitted on, as applicable, (i) the date they are postmarked and sent by U.S. Mail or overnight mail, postage prepaid, or (ii) the date sent by electronic mail.

Respectfully submitted,

FOR THE UNITED STATES OF AMERICA:

TODD KIM
Assistant Attorney General
Environment and Natural Resources Division

/s/ Thomas Benson
THOMAS BENSON
Senior Attorney
Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
P.O. Box 7611
Washington, DC 20044-7611
Tel: (202) 514-5315
Fax: (202) 514-0097
E-mail: Thomas.Benson@usdoj.gov

FOR PLAINTIFF THE STATE OF ILLINOIS:

KWAME RAOUL, Attorney General
of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

By: s/Andrew Armstrong***
ANDREW ARMSTRONG
Chief, Environmental Bureau
Illinois Attorney General's Office
500 South Second Street
Springfield, Illinois 62706

*** Signed with permission.

**FOR DEFENDANT WRB REFINING LP
By Phillips 66 Company, Operator**

/s/ Ray Rigdon***
RAY RIGDON

Vice President, Wood River Refinery
Phillips 66 Company
900 S. Central Ave.
Roxana, Illinois 62084
(618) 255-2501

*** Signed with permission.

FOR DEFENDANT PHILLIPS 66 COMPANY

/s/ Ray Rigdon***
RAY RIGDON

Vice President, Wood River Refinery
Phillips 66 Company
900 S. Central Ave.
Roxana, Illinois 62084
(618) 255-2501

*** Signed with permission.